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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,214	08/01/2003	Andrew Gruber	00100.02.0058	3243

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VEDDER PRICE KAUFMAN & KAMMHOLZ  
222 N. LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/633,214

Applicant(s)

GRUBER, ANDREW

Examiner

Sajous Wesner

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-22 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1 Claims 11, 15, 21 are objected to because of the following informalities: In claim 11, line 1, it appears that the Applicant meant to recite –10– after “claim”. Appropriate correction is required.

The dependency of claim 15 is improper. It appears that the Applicant intended to recite claim 14 as the dependency of claim 15. correction is required.

The dependency of claim 21 is improper. correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the present instance, while claim 1, at lines 8-9, recites the limitation “determining ... geometric value based on a pixel value” the claim, at lines 10-11, follows with the limitation of “determining a pixel value ... based on ... the geometric value”. These citations render the claim indefinite by raising a question or doubt as to how a pixel be determined using the first and second geometric values, while at the same time the first and second geometric values are determined using the pixel value. Clarification is required.

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Claims 2-8 contain the problems of claim 1, by dependence, they are, therefore, rejected under the same rationale.

Claim 10 is rejected for the same reason as claim 1.

Claims 11-17 contain the problems of claim 10, by dependence, they are, therefore, rejected under the same rationale.

As per claim 3, the limitation "the pixel value" in line 1 is indefinite because it is unclear as to which "pixel value" the Applicant is alluded to, since there is two different "pixel value" mentioned in the claim in which claim 3 depends from. Hence, there is insufficient antecedent basis for this limitation in the claim.

Claim 5 contain the problem of claim 3, it is similarly rejected.

Claims 12-13 contain the problem of claim 3, they are similarly rejected.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, and 23 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility and/or useful process. Although the preamble mentions interpolation, the claimed invention fails to carry out any interpolation process. The claimed invention only carries out the generation of numbers (i.e., pixel values, geometric values, or differential values). Hence, the disclosed invention is inoperative and therefore lacks utility.

***Allowable Subject Matter***

5. Claims 2-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. Claims 18-22 are allowed because the prior art fail to teach generating a first differential geometric value and a second differential geometric value in relation to the zero vertex value and the second vertex value, wherein the first differential geometric value and the second differential geometric value are independent of a parameter slope between the zero vertex value and the second vertex value; generating a third differential geometric value and a fourth differential geometric value in relation to the first vertex value and the second vertex value, wherein the third differential geometric value and the fourth differential geometric value are independent of a parameter slope between the first vertex value and the second vertex value; writing the first geometric value and the second geometric value to a temporary buffer.

***Conclusion***

7. The prior art made of record and pertinent to this application are as recited in the PTO-892 form.

**Any response to this action should be mailed to:**

Box

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

Art Unit: 2676

(703) 872-9306, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Or:

(703) 308-5359 for informal or draft communications, please label "PROPOSED"

or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Wesner Sajous whose telephone number is (703) 308-  
5857. The examiner can also be reached on Mondays thru Thursdays and on alternate  
Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number  
for this group is (703) 308-6606.

**Wesner Sajous -WS-**

**December 10, 2004**



MATTHEW C. BELLA  
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